

ASSEMBLY BILL

No. 2410

Introduced by Assembly Member Fuentes

February 24, 2012

An act to amend Section 13 of the Elections Code, relating to elective office.

LEGISLATIVE COUNSEL'S DIGEST

AB 2410, as introduced, Fuentes. Legally qualified candidate: felony conviction.

Existing law provides that a person is not a legally qualified candidate for any office, for party nomination for a partisan office, or for nomination to participate in the general election for any voter-nominated office unless the person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot for a specified reason.

This bill, in addition, would provide that a person is not a legally qualified candidate for, and may not assume, any elective public office in this state if the person has been convicted in this state of a felony, or has been convicted under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and has not been pardoned by the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 13 of the Elections Code is amended to read:

13. (a) ~~No~~ A person ~~shall be considered~~ *is not* a legally qualified candidate for any office, for party nomination for a partisan office, or for nomination to participate in the general election for any voter-nominated office, under the laws of this state, unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in Section ~~8806~~ 8807, or having been selected as an independent candidate pursuant to Section 8304.

(b) Nothing in this section shall be construed as preventing or prohibiting ~~any~~ a qualified voter of this state from casting a ballot for any person by writing the name of that person on the ballot, or from having that ballot counted or tabulated, nor shall any provision of this section be construed as preventing or prohibiting ~~any~~ a person from standing or campaigning for any elective office by means of a “write-in” campaign. However, nothing in this section shall be construed as an exception to the requirements of Section 15341.

(c) *A person is not a legally qualified candidate for, and shall not be permitted to assume, any elective public office in this state if the person has been convicted in this state of a felony, or has been convicted under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and has not been pardoned by the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.*

~~(e)~~

(d) It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine

- 1 who is a “legally qualified candidate” in this state for the purposes
- 2 of administering Section 315 of Title 47 of the United States Code.

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